



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105**

May 23, 2013

Mr. Lance Hauer, P.E.
Remedial Project Manager
Corporate Environmental Programs
General Electric Company
640 Freedom Business Center
King of Prussia, PA 19406

Re: U.S. EPA Conditional Approval of TSCA Application for Risk Based PCB
Cleanup at General Electric Company Facility at 5441 International
Boulevard, Oakland, California

Dear Mr. Hauer:

Thank you for submitting your Toxic Substances Control Act ("TSCA") application, dated April 10, 2013 ("TSCA Application"), for a risk based cleanup to address polychlorinated biphenyl ("PCB") soil contamination at the General Electric Company ("GE") site located at 5441 International Boulevard, Oakland, California ("Site"). The United States Environmental Protection Agency ("EPA") requested that GE submit a TSCA Application in our letter to you of December 14, 2012.

EPA is conditionally approving ("Approval") GE's TSCA Application¹, dated April 10, 2013, for a risk based cleanup to address PCB soil contamination at the GE Site. GE's TSCA application includes a cleanup remedy previously approved by the California Department of Toxic Substances Control ("DTSC") on June 30, 2011. DTSC's approval process included conducting a public hearing and receiving public comments on the proposed cleanup plan prior to its approval. EPA has reviewed the DTSC approved remedy and determined that it is consistent with the TSCA requirements for a PCB cleanup and that it sets forth a method for addressing the PCB soil contamination that will not pose an unreasonable risk to human health or the environment. The remedial method for addressing the PCB contaminated soil is to expand and improve the existing cap such that it covers the entire 24 acre site.

¹ GE's TSCA Application includes an April 10, 2013 application cover letter, Final Remedial Action Plan, June 30, 2011, Final Remedial Design and Implementation Plan, April 26, 2012, Revised Work Plan for Additional Soil Investigation and Soil Removal at PepsiCo Site, October 28, 2011, Revised January 19, 2012, Revised April 25, 2012, Report of Soil Removal Activities, May 2001, Completion Report North Property Line Soil Removal Action Project, December 2005, and a figure showing Concrete Core Sample Results, April 2013.

This Approval is being issued pursuant to 40 C.F.R. § 761.61(c) and authorizes GE to implement the "Final Remedial Design and Implementation Plan, General Electric Site, 5441 International Boulevard, Oakland, California", dated April 26, 2012, and (2) "Revised Work Plan for Additional Soil Investigation and Soil Removal at PepsiCo Site, General Electric Facility, 5441 International Boulevard, Oakland, California," October 28, 2011, Revised January 19, 2012, Revised April 25, 2012 consistent with the following conditions:

1. **Certification Signatures.** Resubmit the April 10, 2013 application cover letter and have it signed by both the owner of the property where the cleanup site is located and the party conducting the cleanup. This certification is required pursuant to 40 C.F.R. § 761.61(a)(3)(i)(E).
2. **Land Use Covenant. - Addition of EPA as Beneficiary.** Take the following actions: (1) revise the Land Use Covenant ("LUC") to add EPA as a third party beneficiary with enforcement rights, (2) revise the LUC to include a discussion of the PCB soil contamination at the site with an attached map identifying the PCB impacted areas, and (3) provide a draft copy of the LUC to EPA for review and comment prior to finalization.
3. **Soil Sampling at PepsiCo Site - Nine Borings in Two Excavation Areas.** Collect soil samples at the nine locations (denoted with an "x") shown in Figure 4 of the Revised Work Plan for Additional Soil Investigation and Soil Removal at PepsiCo Site, October 2011, Revised January 2012 and Revised April 25, 2012. The nine locations surround two proposed areas for excavation. The text in Section 2.1.2, Soil Sampling Methods, indicates soil sampling will take place in six locations at only one of the two proposed excavation sites shown in Figure 4. As discussed in the Revised Work Plan, soil samples shall be collected at depths of 6 inches, 2 feet and 4 feet using a hand auger. Additional soil samples shall be taken in areas that are stained or show other signs of possible contamination.
4. **PepsiCo Site Letter Report for EPA Review.** Provide a copy of the letter report containing the soil sampling results and proposed excavation areas to EPA for review and comment prior to implementation. The letter report is discussed in Section 2.1.4 (Data Report) of the Revised Work Plan for Additional Soil Investigation and Removal at the PepsiCo Site, October 2011, Revised January 2012, and Revised April 25, 2012.
5. **On-Site Wells for Quarterly Monitoring of PCBs.** Section 4.1.2, Performance Monitoring, indicates that "Select wells will be sampled for PCBs on a quarterly basis using EPA Method 8082 for the first year of operation." EPA Method 8082A, or the most current version, shall be used to analyze the groundwater samples for PCBs. The following on-site wells, at a minimum, shall be sampled for PCBs quarterly for the first year of Groundwater Extraction and Treatment System ("GETS") operation: GW-2A, GW-2B, W-751A, W-804B, GW-3A, W-003B, GW-1A, W-614A, W-506A, W-529A, and W-004A.

6. **Groundwater and Performance Monitoring Reports - Provide Copies to EPA.** The groundwater and performance monitoring reports discussed in Section 4.1.2, Performance Monitoring, shall include and discuss PCB sampling results. Copies of these reports, including the fourth quarter annual report, shall be provided to EPA for review. EPA may require additional groundwater sampling for PCBs based upon the initial monitoring results.
7. **Remedy Implementation Report and Operation and Maintenance Plan - Provide Copies to EPA.** Following completion of remedy implementation, provide a copy of the Final Remedy Implementation Report and Operation and Maintenance Plan to EPA. EPA will review these documents to ensure that the remedy was completed in accordance with the approved TSCA Application.
8. **Shallow Concrete Core Sampling - Report to EPA.** As discussed by GE and EPA representatives, additional concrete slab samples (0.5 inch thickness) will be taken for PCB analysis from buildings 4, 6, 8 and 17. The number of 0.5 inch thick core samples for each building shall be sufficient to adequately characterize the slab for possible PCB contamination. The concrete samples shall be taken using the EPA Region 1 Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs), dated May 2011. Capping of the concrete slabs shall not be conducted until EPA has reviewed the concrete core PCB sampling results and provided written approval to begin the capping process.
9. **PCB Sediment/Soil Sampling in Stormwater Manhole.** Take sediment/soil samples for PCB analysis from Stormwater Sampling Point MH-24, located at the southwest corner of the Site. A minimum of two sediment/soil samples shall be taken for analysis. EPA understands that if there is not sufficient sediment/soil available, that the number of samples may need to be reduced or that sampling may not be possible at all. The purpose of the sampling effort is to obtain sediment/soil samples for PCB analysis that are representative of conditions at the point where stormwater exits the site. The overall goal is to ensure that PCBs are not migrating off-site. The samples should be analyzed using EPA Method 8082 A or the most current version. Please inform us in writing at least 10 days before you plan to collect the samples as EPA would like to obtain split samples for analysis. A complete description of the sampling methodology (including the number of samples and locations) and the results of the sampling effort shall be sent to EPA in a letter report after the laboratory analysis has been completed.
10. **Extraction of PCB Samples for Analysis.** All solid PCB samples shall be extracted using either the Soxhlet (EPA Method 3540 C or most current version), or the Ultrasonic method (EPA Method 3550C or most current version). If necessary, post extraction and pre-analysis sample cleanup (e.g., EPA Methods 3665A (sulfuric acid), 3620C (florisil column), 3640A (gel permeation column, GPC) procedures must be considered if matrix interferences are suspected that could increase analytical method detection limits and compromise the comparisons of the analytical results to the PCB action levels.

11. Redevelopment of Site. If redevelopment of the Site would involve disturbing any part of the existing cap, the current property owner or redeveloper shall prepare a new application for a TSCA risk-based PCB cleanup and submit it to EPA. EPA is likely to require additional characterization and or remediation of PCB contamination prior to redevelopment.

12. Decontamination of Movable Equipment, Tools, and Sampling Equipment Contaminated by PCBs. Equipment not covered by the EPA Region 1 Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs), dated May 2011, must be decontaminated following the requirements in 40 C.F.R. § 761.79(c)(2).

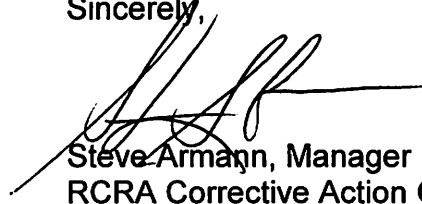
GE's cleanup activity is subject to regulation under TSCA. Moreover, by submitting a risk-based cleanup application and implementing the requirements set forth in this Approval, GE has accepted such applicability.

This Approval does not relieve GE from complying with all applicable federal, state, and local regulations and permits, nor does it exempt or waive any requirement to obtain additional cleanup orders, approvals or permits pursuant to TSCA or other regulatory programs, where warranted. GE is also under a continuing obligation to comply with all requirements of TSCA regardless of whether or not such requirements are contained within this Approval. Departure from the terms and conditions of this Approval without written permission from EPA may result in the revocation of this Approval and/or appropriate enforcement action. Nothing in this Approval limits EPA's ability to seek penalties or pursue other legal action, including compliance orders or criminal proceedings, for violations of the terms or conditions of this Approval or of applicable federal, state or local law (including other TSCA PCB requirements).

Finally, EPA reserves its right to require additional characterization and/or remediation work of PCBs by GE or other potentially responsible parties, as warranted and allowed by law.

If you have any questions, please contact Ron Leach of this office at (415) 972-3362.

Sincerely,



Steve Armann, Manager
RCRA Corrective Action Office

cc: Jacinto Soto, DTSC